

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

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|---------------------------|---|----------------------------|
| UNITED STATES OF AMERICA, |) | |
| Petitioner, |) | |
| |) | |
| v. |) | M.B.D. No. 10-MC-40020-FDS |
| |) | |
| LEE F. JOHNSON, III, |) | |
| Respondent. |) | |
| |) | |

**PETITIONER'S MOTION TO
CONTINUE SHOW CAUSE HEARING**

NOW COMES, the Petitioner, the United States of America, on behalf of its agency, the Internal Revenue Service (“IRS”), and by its attorney, Carmen M. Ortiz, United States Attorney for the District of Massachusetts, and hereby moves this Court to continue the Hearing, which the Court rescheduled for November 23, 2010, to a date on or after January 7, 2011, whichever is convenient to this Court.

As grounds therefore, Petitioner states that the Respondent has represented that he has made efforts at compliance with the Internal Revenue Service summons. However, an additional forty-five days are necessary to allow the Respondent and his accountant to prepare the returns at issue so he can comply with the Internal Revenue Service Summons. Given the fact that the Respondent has taken steps toward compliance with the summons, the United States respectfully requests that this Motion be granted and that the Court set a new date convenient to the Court for the Show Cause hearing on or after January 7, 2011. The United States will inform the Court in advance of the rescheduled hearing if the Respondent complies with the summons.

WHEREFORE, Petitioner asks that this Motion be granted and that the Court set a new date for the show cause hearing on or after January 7, 2011.

By its attorney,

CARMEN M. ORTIZ
United States Attorney

/s/ James J. Fauci
JAMES J. FAUCI
Assistant United States Attorney
United States Attorney's Office
John Joseph Moakley U.S. Courthouse
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Dated: November 19, 2010

Certificate of Service

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent first class mail, postage prepaid, to those indicated on the NEF as non-registered pro se participants on November 19, 2010.

Lee F. Johnson, III
75 Lindell Ave.
Leominster, MA 01453

By: /s/ James J. Fauci
Assistant U.S. Attorney